

# House File 2241 - Introduced

HOUSE FILE 2241

BY ANDERSON, HUNTER, OLSON,  
and ABDUL-SAMAD

## A BILL FOR

1 An Act relating to the manufacture, delivery, or possession  
2 of marijuana and the possession of drug paraphernalia, and  
3 providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.401, subsection 1, paragraph d, Code  
2 2022, is amended to read as follows:

3 d. Violation Except as otherwise provided in this paragraph,  
4 a violation of this subsection, with respect to any other  
5 controlled substances, counterfeit substances, simulated  
6 controlled substances, or imitation controlled substances  
7 classified in schedule IV or V including a violation of this  
8 subsection involving less than forty-two and one-half grams  
9 of marijuana that was offered for sale is an aggravated  
10 misdemeanor. However,

11 (1) A violation of this subsection involving fifty  
12 kilograms or less of marijuana or involving flunitrazepam is a  
13 class "D" felony.

14 (2) A violation of this subsection involving less than  
15 forty-two and one-half grams of marijuana that was not offered  
16 for sale is punishable by a civil penalty as provided in  
17 section 124.401H.

18 Sec. 2. NEW SECTION. 124.401H Small amount of marijuana —  
19 drug paraphernalia — reasonable suspicion — civil penalty.

20 1. A person who commits a violation of section 124.401,  
21 subsection 1, involving less than forty-two and one-half grams  
22 of marijuana that was not offered for sale shall be assessed a  
23 civil penalty in the amount of twenty-five dollars.

24 2. A person who commits a violation of section 124.414,  
25 if the drug paraphernalia was not offered for sale, shall be  
26 assessed a civil penalty in the amount of twenty-five dollars.

27 3. This section shall not be construed to allow any of the  
28 following:

29 a. The sale of marijuana or drug paraphernalia.

30 b. The use of marijuana or the display of drug paraphernalia  
31 in a public place.

32 c. The possession, manufacture, or delivery of marijuana or  
33 drug paraphernalia in the workplace.

34 d. An employer's regulation of marijuana use by an employee  
35 outside of regular work hours.

1 e. Operating a motor vehicle, motorboat, or sailboat while  
2 under the influence of marijuana.

3 f. Prohibiting any person, business, organization, or  
4 other entity, or a governmental agency that occupies, owns,  
5 or controls any real property, from prohibiting or regulating  
6 the possession, manufacture, or delivery of marijuana on such  
7 property.

8 4. A peace officer shall confiscate all visible marijuana  
9 or drug paraphernalia associated with a violation punishable  
10 pursuant to this section.

11 5. The existence of any of the following circumstances  
12 shall not constitute reasonable suspicion of a crime either  
13 individually or in combination, unless the peace officer is  
14 investigating a person for suspicion of operating a motor  
15 vehicle, motorboat, or sailboat while under the influence of  
16 marijuana:

17 a. The odor of marijuana.

18 b. The possession of, or the suspicion of the possession of,  
19 marijuana, without evidence that the quantity of marijuana is  
20 equal to or greater than forty-two and one-half grams.

21 c. The possession of multiple containers of marijuana  
22 without evidence that the quantity of marijuana is equal to or  
23 greater than forty-two and one-half grams.

24 d. The possession of marijuana in proximity to any amount of  
25 cash without evidence that the quantity of marijuana is equal  
26 to or greater than forty-two and one-half grams.

27 6. A civil penalty assessed pursuant to this section shall  
28 be collected by the clerk of the district court and shall be  
29 distributed as provided in section 602.8105, subsection 4.

30 Sec. 3. Section 124.414, subsection 3, Code 2022, is amended  
31 to read as follows:

32 3. A person who violates this section commits a simple  
33 misdemeanor. However, if the drug paraphernalia was not  
34 offered for sale, the violation shall be punishable by a civil  
35 penalty as provided in section 124.401H.

1     Sec. 4. Section 602.8105, subsection 4, Code 2022, is  
2 amended to read as follows:

3 4. The clerk of the district court shall collect a civil  
4 penalty assessed against a ~~retailer~~ person pursuant to  
5 section 124.401H or against a retailer pursuant to section  
6 126.23B. Any moneys collected from the civil penalty shall be  
7 distributed to the city or county that brought the enforcement  
8 action for a violation of section 124.401H or 126.23A.

### EXPLANATION

10 The inclusion of this explanation does not constitute agreement with  
11 the explanation's substance by the members of the general assembly.

12 This bill relates to the manufacture, delivery, or  
13 possession of marijuana, the possession of drug paraphernalia,  
14 and provides penalties.

15 The bill provides that a person who violates Code section  
16 124.401(1)(d) relating to the manufacture, delivery, or  
17 possession of marijuana involving less than 42.5 grams of  
18 marijuana that was not offered for sale shall be assessed  
19 a civil penalty. If less than 42.5 grams of marijuana was  
20 offered for sale, the violation is an aggravated misdemeanor.  
21 Current law specifies that a violation of this Code section  
22 involving 50 kilograms or less of marijuana is a class "D"  
23 felony.

24 The bill provides that a person who violates Code section  
25 124.414 involving drug paraphernalia that was not offered  
26 for sale shall be assessed a civil penalty in the amount of  
27 \$25 to be collected by the clerk of the district court to be  
28 distributed to the city or county that brought the enforcement  
29 action. Current law provides that a violation of Code section  
30 124.414 is a simple misdemeanor.

31 The bill shall not be construed to allow any of the  
32 following: the sale of marijuana or drug paraphernalia; the  
33 use of marijuana or the display of drug paraphernalia in a  
34 public place; the possession, manufacture, or delivery of  
35 marijuana or drug paraphernalia in the workplace; an employer's

1 regulation of marijuana use by an employee outside of regular  
2 work hours; the operation of a motor vehicle, motorboat, or  
3 sailboat while under the influence of marijuana; or prohibiting  
4 any person, business, organization, or a governmental agency  
5 that occupies, owns, or controls any real property, from  
6 prohibiting or regulating marijuana on such property.

7     The bill specifies that the existence of any of the following  
8 circumstances shall not constitute reasonable suspicion of a  
9 crime either individually or in combination, unless the peace  
10 officer is investigating a person for suspicion of operating a  
11 motor vehicle, motorboat, or sailboat while under the influence  
12 of marijuana: the odor of marijuana; the possession of, or the  
13 suspicion of the possession of, marijuana, without evidence  
14 that the quantity of marijuana is equal to or greater than  
15 42.5 grams; the possession of multiple containers of marijuana  
16 without evidence that the quantity of marijuana is equal to  
17 or greater than 42.5 grams; and the possession of marijuana  
18 in proximity to any amount of cash without evidence that the  
19 quantity of marijuana is equal to or greater than 42.5 grams.